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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,194	10/21/2003	Amy E. Battles	200206304-1	3661
22879 7590 07/01/2008 HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400				
EXAMINER				
TRAN, NHAN T				
ART UNIT		PAPER NUMBER		
2622				
NOTIFICATION DATE		DELIVERY MODE		
07/01/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/690,194

**Applicant(s)**

BATTLES ET AL.

**Examiner**

NHAN T. TRAN

**Art Unit**

2622

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 and 5-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 3/7/2008 with respect to claims 1-3, 5-21 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski et al. (US 5,900,909) in view of Wyman (US 7,110,027).

Regarding claim 1, Parulski discloses an imaging system (Fig. 2 and abstract) comprising:

an image capture system (Fig. 2) configured to capture a plurality of frames (a burst of images as shown in Fig. 6; col. 5, lines 60-65);

a sequence data generating system (camera control 38 and processor 22 in Fig. 2) for generating data indicative of frame position (image number) of each of the plurality of frames (Fig. 6);

an orientation sensor (40) configured to provide orientation information (e.g., landscape or portrait orientation) for each of the plurality of frames at the time each frame is captured, the orientation information comprising rotational information of said image capture system between a portrait and a landscape orientation (Fig. 2 & 6; col. 3, line 60 – col. 4, line 10 and col. 5, lines 40-65);

a processor (22) configured to incorporate the orientation information and sequence data into each frame (see Fig. 6 and col. 5, lines 40-65);

a display (34) configured to display each frame using the orientation information, such that the displayed frame is oriented the same as an orientation of the image capture system when the frame was captured (Fig. 2 and col. 5, lines 40-65).

Although Parulski discloses an imaging system that is capable of capturing a burst of images as well as displaying the images, Parulski does not explicitly disclose capturing a plurality of images of a *video clip*.

However, it is well recognized by Wyman that a video system is capable of extracting one or more still images from a sequence of video frames (i.e., 10 second video clip) to produce high resolution still images so that the video system can record not only motion video clip but also a plurality of still images from the motion video clip, thereby improving integration and functions of a camera as taught in col. 1, line 62 - col. 2, line 37.

Therefore, it would have been obvious to one of ordinary skill in the art to modify the camera system in Parulski to include teaching of Wyman for capturing a plurality of frames of a video clip in addition to the frame orientations of Parulski so that the camera

system would record not only motion video clip but also a plurality of still images from the motion video clip, thereby improving integration and functions of a camera as taught by Wyman above.

Regarding claim 2, Parulski also discloses that the orientation information resides in a frame heard of each frame (see Fig. 6 and col. 5, lines 40-65).

Regarding claim 3, Parulski further discloses a memory (memory 24 and/or RAM 52) configured to receive each frame wherein the orientation information resides (Figs. 2 & 6 and col. 5, lines 40-65).

Regarding claims 5 & 6, these method claims are also met by the analysis of claim 1.

Regarding claim 7, this claim is also met by the analysis of claim 2.

Regarding claim 8, it is also seen in Parulski that the step of incorporating the orientation information comprises incorporating the orientation information into the frame as a file (Fig. 6 and col. 6, lines 5-24).

Regarding claim 9, also disclosed by Parulski is that the step of incorporating the orientation information comprises incorporating the orientation information into the image data (see col. 5, line 40 - col. 6, line 24).

Regarding claim 10, Parulski in view of Wyman also discloses the step of saving the frame to a memory comprising a plurality of serially sequenced frames corresponding to the video clip (see Wyman, col. 2, lines 8-37 and Fig. 6 of Parulski).

Regarding claim 11, this method claim is also met by the analysis of claim 1.

Regarding claim 12, as seen from Figs. 2 & 6 and col. 6, lines 5-24 in Parulski, the method further comprises the step of selecting the frame (user selects a desired frame on the computer 28 to view or edit) from a plurality of serially sequenced frames corresponding to the video clip (note claim 1 for combination of Parulski and Wyman for a video clip).

Regarding claim 13, Parulski clearly discloses the step of retrieving the orientation information from a header of the frame (see col. 6, lines 5-24).

Regarding claim 14, also disclosed by Parulski is retrieving the frame from a memory (col. 6, lines 5-24).

Regarding claim 15, Parulski further discloses communicating the frame from an image capture device to a processing device (i.e., a computer 28 in Fig. 2); and displaying the frame on a display (34) coupled to the processing device (see col. 6, lines 5-24).

Regarding claim 16, it is also seen in col. 3, lines 54-59 in Parulski that the frame is displayed on a display (34) coupled (via cable) to the image capture device.

Regarding claim 17, this claim is also met by the analyses of claims 1-3 in which the orientation is incorporated into the frame header and stored in the memory of the camera.

Regarding claim 18, Parulski discloses a means (combined 36, 38 and 22) for generating orientation information (landscape or portrait) from the orientation of the image capture device such that the orientation information is incorporated into the frame (see Fig. 6 and col. 5, line 40 – col. 6, line 24).

Regarding claim 19, this claim is also met by the analysis of claim 2.

Regarding claims 20 & 21, the combined teaching of Parulski and Wyman as discussed in claims 1, 5 & 11 also discloses a computer-readable medium (memory)

embodied with a computer program for performing the steps of claims 20 and 21 (see Parulski, col. 4, lines 35-40 and Wyman, col. 3, lines 22-25 and col. 3, lines 62-65).

### ***Conclusion***

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **NHAN T. TRAN** whose telephone number is (571)272-7371. The examiner can normally be reached on Monday - Friday, 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 2622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nhan T. Tran/  
Primary Examiner, Art Unit 2622